

LML
Robinson, J

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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ANTHONY MAURO, a shareholder, of Merchants
Advantage Corporation, Suing In Right of Merchants
Advantage Corporation,

Plaintiff,

STIPULATION

Case No. 08 CV 2151 (SCR)

- against -

STERLING NATIONAL BANK, a/k/a STERLING
FINANCIAL SERVICES, a/k/a STERLING BANK
CORP., JOHN GALLO and ARUN PATEL,

Defendants.
-----X

WHEREAS, plaintiff filed a motion seeking an order remanding this action to the
Supreme Court of the State of New York, County of Westchester;

WHEREAS, defendants' opposition to that motion is currently due on May 2, 2008,
plaintiff's reply is due on May 9, 2008, and the motion is scheduled for oral argument on May
27, 2008;

WHEREAS, the parties have reached a settlement and have finalized the terms of a
comprehensive written settlement agreement disposing of this action and two related actions
pending in the Supreme Court of the State of New York, New York County;

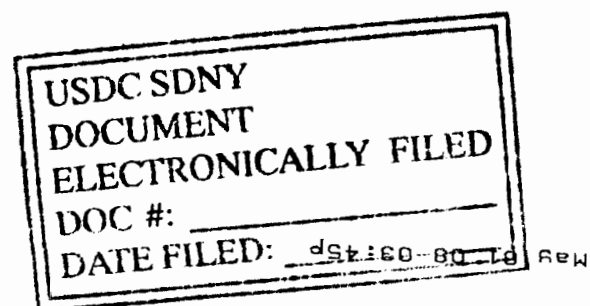
WHEREAS, the parties contemplate executing the settlement agreement and filing
stipulations of dismissal of all actions within two weeks of the execution hereof;

IT IS HEREBY STIPULATED AND AGREED, by and between the undersigned
attorneys for the parties herein, as follows:

1. Plaintiff's motion to remand is hereby withdrawn without prejudice to plaintiff
refiling same should the settlement not be consummated.

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2. Defendants hereby waive any objection they might have concerning the timeliness of a motion to remand should plaintiff refile one as contemplated hereunder.

3. This Stipulation may be executed in counterparts and via facsimile, with facsimile signatures deemed original for all purposes upon transmission.

Dated: New York, New York
April 30, 2008

KAPLAN & LEVENSON P.C.
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By: 

Scott A. Ziluck (SZ-4826)

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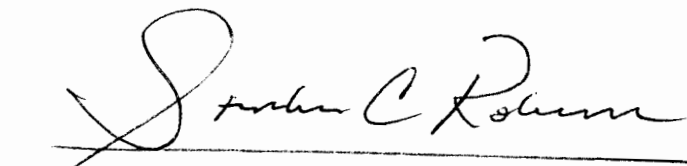
By: 

Mario Biaggi, Jr. (MB-66)

SO ORDERED:

DATED

May 9, 2008



U.S.D.J.